14. The method of claim 11 wherein said [fructose-containing saccharide] <u>fructose oligosaccharide</u> is inulin.

16. A method of producing a tablet including live bacteria comprising the steps:

a) mixing at least one strain of live lactic acid-producing bacteria with at least one [fructose-containing saccharide] <u>fructose oligosaccharide</u> to form a mixture; and

b) pressing said mixture into a tablet employing a force sufficient to form said tablet while maintaining [high] <u>at least about 60%</u> viability of said lactic acid-producing bacteria.

17. The method of claim 16 wherein said [fructose-containing saccharide] <u>fructose oligosaccharide</u> is inulin.

18. The method of claim 16 further comprising adding at least one pharmaceutically acceptable additive to said bacteria and said [fructose-containing saccharide] <u>fructose oligosaccharide</u> prior to said pressing step.

19. The method of claim 16 further comprising adding microcrystalline cellulose to said bacteria and said [fructose-containing saccharide] <u>fructose oligosaccharide</u> prior to said pressing step.

20. The method of claim 16 further comprising adding starch to said bacteria and said [fructose-containing saccharide] <u>fructose oligosaccharide</u> prior to said pressing step.

21. The method of claim 16 further comprising adding calcium diphosphate to said bacteria and said [fructose-

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containing saccharide] <u>fructose oligosaccharide</u> prior to said pressing step.

22. A method of producing a tablet including live bacteria comprising the steps:

    a) mixing live bacteria Str. thermophilus, L. bulgaricus, Bifidobacterium animalmis, or L. plantaris with inulin to produce a mixture; and

    b) pressing said mixture into a tablet employing a force sufficient to form said tablet while maintaining [high] <u>at least about 60%</u> viability of said bacteria.

27. A method of producing a tablet including live bacteria comprising the steps;

    a) mixing at least one live bacteria selected from the group consisting of Str. thermophilus, L. bulgaricus, Bifidobacterium animalmis and L. plantaris with inulin, <u>and at least one additive selected from the group consisting of</u> microcrystalline cellulose, calcium diphosphate and starch; and

    b) pressing said mixture into a tablet employing a force sufficient to form said tablet and maintain [high] <u>at least about 60%</u> viability of said Str. thermophilus, L. bulgaricus, Bifidobacterium animalmis, L. plantaris bacterium.

28. A method of producing a tablet including live bacteria comprising the steps;

    a) mixing at least one live bacteria selected from the group consisting of [0.5-50% by weight of] Str. thermophilus, L. bulgaricus, Bifidobacterium animalmis and L. plantaris <u>wherein the total amount bacteria provided is between</u>

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0.5-50% by weight with 40-99.5% by weight of inulin, 0-20% by weight microcrystalline cellulose, 0-20% by weight of calcium diphosphate and 0-15% by weight of starch; and

      b)   pressing said mixture into a tablet employing a force sufficient to form said tablet and maintain [high] at least about 60% viability of said Str. thermophilus, L. bulgaricus, Bifidobacterium animalmis and L. plantaris bacterium.

REMARKS

The above amended claims and the following remarks are respectfully submitted for inclusion in the above-captioned patent application which is a Continued Prosecution Application, filed under Rule 1.53(d) of U.S. Patent Application No. 09/029,336.

In view of the above-amended claims and remarks herein, reconsideration of the Examiner's rejections and allowance of all pending claims is respectfully requested.

35 U.S.C. § 112

The Examiner had rejected claims 11-28 in this application's parent under 35 U.S.C. § 112, second paragraph as allegedly being indefinite. While Applicant submits that the claims were clear and definite as written, Applicant requests the Examiner withdraw the rejection in view of the amended claims 11-28 which now recite "fructose oligosaccharide" with a resulting bacteria viability of at least about 60%. This is reflected by the number of live colony forming units that withstand compression.

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